

IX. And be it enacted, That all Books, Papers, Writings and Accounts, and all Materials, Tools and Implements which shall be provided in pursuance of this Act for repairing and improving the Highways or Streets in that part of the Parish of Fredericton above described, and also the Streets and Highways therein situate, and all scrapings of the said Streets and Highways, and all Stones and Quarries, and standing Trees thereon, shall be vested in the Commissioners of the said Parish for the time being, and they or the major part of them, shall and may bring or prosecute any action, suit or proceeding at Law or in Equity in their own name, as for their own property, for any infringement thereto, incumbrance thereon or any interference therewith by any person or persons whereby the public may sustain any detriment; and such suit, prosecution or proceeding, shall and may be brought and prosecuted in the name of *The Commissioners of Highways for the Parish of Fredericton*, without mentioning their individual names, and may be continued and prosecuted by their Successors in office, notwithstanding a change in the person of the said Commissioners, and all action and rights of action shall ensure to the said Commissioners; and in any such suit or proceeding, any inhabitant of the said Parish shall be deemed a competent witness, notwithstanding his liability to taxation under this Act.

Property vested in the Commissioners who may maintain actions in the name of *The Commissioners of Highways for the Parish of Fredericton*.

Inhabitants of Fredericton deemed competent witnesses.

X. And be it enacted, That the said Commissioners, or the major part of them, shall and may in their discretion survey the Town Plat of Fredericton, and such other parts of the said Parish above described as they may deem advisable, and procure a proper Plan of such Survey for the use of the Commissioners for the time being, the reasonable expense of which Survey and Plan to be defrayed from the "Fredericton Road Fund," and it shall be the duty of the said Commissioners, or the major part of them, to cause to be removed all encroachments from the said Streets or Highways, in order that the said Streets and Highways may be restored to their full width, according to the original Plan and Survey of the said Parish: Provided always, That when such encroachments consist of dwelling houses or other erections of a permanent nature, such removal shall not be compelled, except in case of the destruction of such encroachments by fire or the decay or dilapidation thereof: And further Provided, That the Surveyor who shall make the Survey herein authorized shall be sworn before one of Her Majesty's Justices of the Peace to the faithful performance of the work, previous to his making such Survey.

Commissioners may cause a survey of the Town to be made, and cause all encroachments to be removed.

Proviso for encroachments of a permanent nature.

XI. And be it enacted, That all contracts or expenses incurred for repairing or improving the said Streets or Highways by the Commissioners for the time being or the major part of them, shall be binding upon their successors in office as fully and effectually to all intents and purposes as if such contracts were made or expenses incurred by the said Commissioners, and they shall pay such expenses and discharge such contract out of the first monies which shall come into their hands after such contracts or expenses fall due.

Contracts and expenses for repairing the Streets to be binding on the successors of the Commissioners contracting.

XII. And be it enacted, That whenever the said Commissioners or a major part of them shall deem it advisable to improve the Promenades or Sidewalks in the populous parts of the said Parish of Fredericton by laying down Wood or Stone, or otherwise, they shall provide one half of the expense of making such improvements from the Fredericton Road Fund, and the other half they shall levy and assess in manner provided for in the Act upon the proprietors of Houses and Land abutting on the said Side walk or Promenade so to be improved or immediately benefited thereby; which Assessment shall be collected in the same manner and subject to the same provisions as the Rates prescribed by this Act, shall and are required to be collected by this Act.

Expense of improving side walks to be defrayed from the Road Fund and by assessment for the purpose.

XIII. And be it enacted, That the Commissioners shall have power and authority from time to time to appropriate such sums from the monies levied and assessed under this Act for the improvement and protection of the Public Landings, Public Squares, and Banks of the River Saint John, in that part of the said Parish above described as they may deem absolutely necessary for the improvement or preservation thereof, when such Landings, Squares or Banks are not within the limits of any Highway or Street.

Monies may be appropriated for the improvement of Public Landings, although without the limits of a Highway or Street.

XIV. And be it enacted, That every person or persons who shall at any time between the fifteenth day of March and fifteenth day of December in each and every year, draw or haul any House or Building whatever on any part of the said Streets or Highways above described, shall for each and every offence forfeit a sum not less than three pounds nor exceeding ten pounds, in the discretion of the Justice before whom such offender shall be prosecuted, and every person or persons who within the said period of time shall drag or haul on any of the said Streets or Highways, any Log, Boards, Timber or Scantling, without securing the

Hauling buildings on the Streets, between 15th March and 15th December.

Penalty.

Hauling any Logs, &c., without securing the same from touching the Street